

in Boston

**FORM TO BE USED BY FEDERAL PRISONERS FOR FILING A PETITION FOR WRIT OF
HABEAS CORPUS UNDER TITLE 28 U.S.C. § 2241**

IN THE UNITED STATES DISTRICT COURT
FOR THE District of Massachusetts

Michael Black, #11354-424
Petitioner

P.O. Box 879
Ayer, Massachusetts 01432
F.M.C. Devens
(Full name under which you were convicted;
Prison Number; Full Mailing Address).

04-40233DPW

VS.

CIVIL ACTION NO. _____

David L. Winn (Warden F.M.C. Devens)
Respondent(s)

% Devens Legal Department
P.O. Box 879
Ayer, Massachusetts 01432
(Name of Warden or other authorized person
having custody of Petitioner).

**PLEASE COMPLETE THE FOLLOWING. READ THE ENTIRE PETITION BEFORE FILLING IT
OUT. ANSWER THOSE QUESTIONS WHICH PERTAIN TO YOUR TYPE OF CLAIM.**

1. This petition concerns: (check appropriate blank)

- ☒ A conviction
☐ A sentence (CAUTION: If you are attacking a sentence imposed under a Federal Judgment, you must file a direct motion under 28 U.S.C. § 2255 in the Federal Court which entered the Judgment).
☐ Jail or prison conditions
☐ Prison discipline issue
☐ A parole problem
☒ Other. State briefly: In light of the recent Annunzio decision in
Crawford v. Washington, No. 02-91410, 72 U.S. L.W. at 9235-36
Petitioner's conviction was obtained in violation of the United States
Constitution and laws of the United States. See Brief in Support

2. Place of detention: Federal Medical Center Devens, "F.M.C. Devens" P.O. Box 879
Ayer, Massachusetts 01432

7. Indictment or case number, if known: # 98 CR-434
8. Offense or Offenses for which sentence was imposed: Counts (2) AND (8) possession with intent to distribute 100 grams or more heroin 21 U.S.C. 841(a)(1) AND Attempted possession with intent to distribute 100 grams or more Heroin 21 U.S.C. 841(a)(1)
9. Date upon which sentence was imposed and the term of the sentence: August 19, 1999 168 months imprisonment followed by (3) years of supervised release
10. When was a finding of guilt made? (Check one)
☐ After a plea of guilty
☒ After a plea of not guilty
☐ After a plea of Nolo Contendere
11. If you were found guilty after a plea of not guilty, was that finding made by:
☒ A jury
☐ A judge without a jury
12. Did you appeal the judgment of the conviction or the imposition of a sentence? ☒ Yes ☐ No
13. If you did appeal, give the following information for each appeal:
- a. Name of court: United State District Court for the Northern District of Illinois
- b. Result: denied
- c. Date of result: MAY of 2000
- d. Citation or number of opinion: NO ANSWER DO NOT KNOW AT THIS TIME
- e. Grounds raised: (List each one)
INEFFECTIVE ASSISTANCE OF COUNSEL,
FAILURE TO CALL ALBI INVESTIGATE KNOWN WITNESSES, FAILURE TO
REQUEST FOR A SEVERANCE, CONFLICT OF INTEREST, FAILURE TO ENTER
DEFENSE THEORY

NOTE: If you appealed more than once, attach an additional sheet of paper the same size, give all the information requested above in question number 13, a through e. DO NOT WRITE ON BACK OF PAGE.

14. Summarize briefly the facts supporting each ground. If necessary attach a single page behind this page.

CAUTION: If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.

a. Ground one: Constitutional Laws were Violated to obtain Petitioner
Conviction in Violation of Petitioner 6th And 5th Amendment Right. See Brief

Supporting Facts: (Tell your story BRIEFLY without citing cases or law. You are CAUTIONED that you must state facts not conclusions, in support of your grounds. E.g., who did exactly what to violate your rights at what time or place).

See Brief in Support

b. Ground Two: No other issues

Supporting Facts: No Answer

Ground Three: No other issues

Supporting Facts: No Answer

15. If this petition concerns jail or prison conditions, prison discipline, a parole problem or other cause under 28 U.S.C. § 2241, answer the following:

a. Did you present the facts in relation to your present complaint in the internal prison grievance procedure?

_____ Yes ☒ No

(1) If your answer to "a" above is yes, what was the result? See Brief in Support

(2) If your answer to "a" above is no, explain: See Brief in Support

b. Did you present your claim to the Bureau of Prisons or other federal agency for administrative action?

_____ Yes ☒ No

(1) If your answer is "yes," state the date such claim was submitted and what action, if any has been taken:

No Answer, See Brief in Support

(2) If your claim has not been acted on, attach copies of any correspondence you have received from the Bureau of Prisons or other federal agency concerning you.

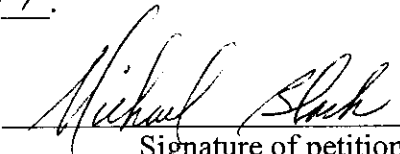
c. **STATEMENT OF CLAIM:** State here as briefly as possible the facts of your case. DO NOT give any legal arguments or cite any cases or any statutes. Attach extra pages of the same size to this page if more room is necessary. DO NOT write on the reverse side of this page.

The Supreme Court Rule I have the Right to Confront, that under the
Confrontation Clause out-of-court Statement are to be excluded
unless the witnesses are found to be unavailable and the
defense was provided a prior opportunity to cross examine that
person. Regardless of whether the trial Court deems the Statement
to be Reliable or not.

16. RELIEF: state briefly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

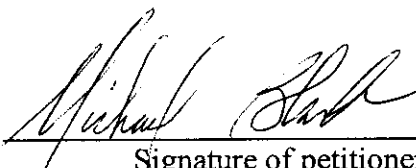
To be tried by A jury, with the Constitutional protection granted to me in A Court of Law. to be granted the Constitutional protection that will not let illegal evidence to be used Against me before A jury in A Court of Law.

Signed on this the 27 day of Oct., 2004.


Signature of petitioner

I DECLARE (OR CERTIFY, VERIFY OR STATE) THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE OR INFORMATION AND BELIEF AND THAT ANY FALSE STATEMENTS MADE THEREIN ARE MADE SUBJECT TO THE PENALTIES OF APPLICABLE LAWS RELATING TO UNSWORN FALSIFICATIONS TO AUTHORITIES.

Executed on: 10 / 27, 2004.


Signature of petitioner